IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23104 of 2004

Between:

1 R.ShaheenBegum W/o.Rasheed
R/o.H.No.18/555 Big Bazar, Nellore, Nellore District.
2 S.M.Rasheed S/o.Ismail,
R/o.H.No.18/555 Big Bazar, Nellore, Nellore District

... PETITIONERS

AND

The Mandal Revenue Officer Podalakur Mandal, Nellore District.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the proceedings of the respondent in Rc.B/148/2004, dt.3.8.2004 is illegal, arbitrary and violation of Principles of natural justice and consequently set aside the same restraining the respondent from interfering with the possession and enjoyment of the writ petitioners in Sy.Nos.6231/1. 623/2, 632/2, 632/3, 632/4, 632/5, 633/2, 633/3, 633/5, 633/7, 634/2, 634/4, 635/3P, 636/5, 637/1, 637/2, 635/1, 638/2, 638/3 and 638/4, measuring an extent of Ac.43.93 cents in Marpur Village, Podalakur Mandal, Nellore District.

Counsel for the Petitioners: SMT.CHINTALAPUDI LAKSHMI KUMARI

Counsel for the Respondent: GP FOR REVENUE

The Court at the admission stage made the following :

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O R D E R:

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The petitioners challenge the order dated 3.08.2004 passed by the respondent, directing resumption of Ac.43-95 cents of land in various survey numbers of Marupur village of Podalakur Mandal, Nellore District. Several grounds are urged on behalf of the petitioners. It is alleged that the land was not assigned to any one, even according to the certificate issued by the respondent on 29.08.2003, and that the detailed explanation submitted on behalf of the petitioners was not taken into account at all.

Heard learned counsel for the petitioners and the learned Government Pleader for Revenue.

The respondent directed resumption of the land referred to above, on the ground that it was alienated in contravention of the conditions of assignment. A finding was recorded to the effect that it is assigned land as per the entries in the DKT Register. The earlier certificate dated 29.08.2003 is said to be based on 10 (1) accounts. It cannot be said that the impugned order is passed without jurisdiction. It is not in dispute that the petitioners had an effective alternative remedy by way of appeal to the Revenue Divisional Officer.

In that view of the matter, the writ petition is disposed of, leaving it open to the petitioners to avail the remedy of appeal. If the appeal is presented within two weeks from today, the same shall be entertained as having been filed within the period of limitation. There shall be no order as to costs.

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14th December, 2004

Note: Issue copy by tomorrow.

(B/o)

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To

1 The Mandal Revenue Officer, Podalakur Mandal,

Nellore District.

2 Two C.Cs to the Govt.Pleader for Revenue,

High Court buildings, Hyderabad (OUT).

3 Two CD copies